

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

LAURENCE M. SUSINI, M.D.Holder of License No. 17611
For the Practice of Allopathic Medicine
In the State of Arizona

Case No. MD-07-0877A

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND****CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Laurence M. Susini, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement or any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

5. This Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver,

1 express or implied, of the Board's statutory authority or jurisdiction regarding any other
2 pending or future investigation, action or proceeding. The acceptance of this Consent
3 Agreement does not preclude any other agency, subdivision or officer of this State from
4 instituting other civil or criminal proceedings with respect to the conduct that is the subject
5 of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this
7 matter and any subsequent related administrative proceedings or civil litigation involving
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended
9 or made for any other use, such as in the context of another state or federal government
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
11 any other state or federal court.

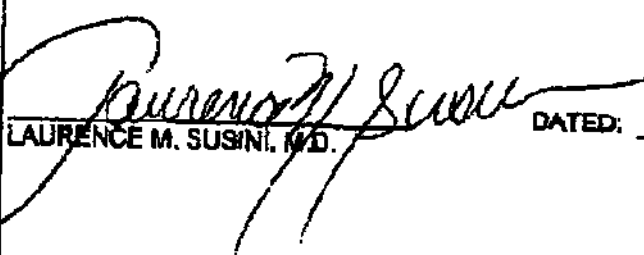
12 7. Upon signing this agreement, and returning this document (or a copy thereof) to
13 the Board's Executive Director, Respondent may not revoke the acceptance of the
14 Consent Agreement. Respondent may not make any modifications to the document. Any
15 modifications to this original document are ineffective and void unless mutually approved
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that will
21 be publicly disseminated as a formal action of the Board and will be reported to the
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force
25 and effect.

1 11. Any violation of this Consent Agreement constitutes unprofessional conduct
2 and may result in disciplinary action. A.R.S. § 32-1401(27)(c) ("violating a formal order,
3 probation, consent agreement or stipulation issued or entered into by the board or its
4 executive director under this chapter") and 32-1451.

5
6
7
8  DATED: 6/24/08
9 LAURENCE M. SUSINI, M.D.
10

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 17611 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-07-0677A after receiving notification of a malpractice settlement involving Respondent's care and treatment of a forty-three year-old female patient ("SS").

4. On September 4, 1997, SS presented to Respondent for an initial evaluation for right wrist pain and numbness of the median nerve. Respondent ordered electromyography and nerve conduction velocity (EMG/NCV) tests. The EMG/NCV was reported as normal for the median nerve, but showed a slight slowing in the ulnar nerve. Respondent performed a Tinel's sign test during a subsequent office visit that was positive for an irritated nerve in Guyon's canal. Respondent diagnosed SS with an ulnar nerve entrapment and recommended surgery.

5. On February 10, 1999, SS underwent a decompression of the ulnar nerve in Guyon's canal.

6. Post surgery, SS did well and had no complaints. Respondent performed a Tinel's sign test over the ulnar nerve that was reported as negative on April 5, 1999 and slightly positive on June 17, 1999. The Tinel's sign test was performed over Guyon's canal and not over the injured proximal portion of the severed nerve. Respondent did not diagnose or repair the injured nerve and artery at the time of surgery or post surgery. There was no documentation of a motor examination of the ulnar nerve function.

7. On August 22, 2002, SS was diagnosed with progressive ulnar neuropathy by a physician assistant (PA) that was confirmed by a neurologist on October 17, 2002.

1 8. On December 19, 2002, Respondent evaluated SS for a trigger thumb.
2 Respondent noted her neurologic examination was normal and her first dorsal
3 compartment was benign. However, despite PA's diagnosis on August 22, 2002 of
4 progressive ulnar neuropathy, Respondent did not diagnose SS's condition.

5 9. On June 10, 2003, PA evaluated SS and noted again she had papal hand
6 (ulnar neuropathy). PA referred her to Respondent for an orthopedic evaluation.
7 Respondent evaluated SS and diagnosed the nerve injury and appropriately referred SS to
8 a hand surgeon who subsequently performed hand surgery to repair the injured nerve.

9 10. The standard of care requires a physician to perform surgery in an
10 appropriate manner to avoid complications of further nerve or arterial injury.

11 11. Respondent deviated from the standard of care because he did not perform
12 surgery in an appropriate manner to avoid complications of further nerve or arterial injury
13 to SS.

14 12. The standard of care requires a physician to diagnose and repair an injured
15 nerve or artery once identified in a timely manner.

16 13. Respondent deviated from the standard of care because he did not diagnose
17 the nerve and adjacent artery injury at the time of surgery or post surgery.

18 14. The standard of care requires a physician to monitor a patient post surgery
19 for progress and possible complications, including examinations of both sensory and motor
20 nerve function.

21 15. Respondent deviated from the standard of care because he did not
22 adequately monitor SS post surgery for progress and possible complications that included
23 examining SS's motor and nerve functions.

24 16. Respondent's failure to perform surgery in an appropriate manner led to
25 sustained iatrogenic injury to the ulnar nerve during surgery to decompress the nerve at

1 the wrists that resulted in SS developing progressive motor paralysis of the ulnar nerve
2 muscles that was not diagnosed for over two years. SS subsequently required a second
3 surgery to repair the nerve.

4 CONCLUSIONS OF LAW

5 1. The Board possesses jurisdiction over the subject matter hereof and over
6 Respondent.

7 2. The conduct and circumstances described above constitute unprofessional
8 conduct pursuant to A.R.S. § 32-1401(27)(g) ("[a]ny conduct or practice that is or might be
9 harmful or dangerous to the health of the patient or the public.").

10 ORDER

11 IT IS HEREBY ORDERED THAT:

12 1. Respondent is issued a Letter of Reprimand for transecting the nerve during
13 surgery, for failure to diagnose and treat the complication in a timely manner and for failure
14 to perform a motor neurologic examination during postoperative followup.

15 2. This Order is the final disposition of case number MD-07-0677A.

16 DATED AND EFFECTIVE this 8th day of August, 2008.

17 ARIZONA MEDICAL BOARD

18 (SEAL)



By


Lisa S. Wynn
Executive Director

1 ORIGINAL of the foregoing filed
2 this 20th day of Aug, 2008 with:

3 Arizona Medical Board
4 9545 E. Doubletree Ranch Road
5 Scottsdale, AZ 85258

6 EXECUTED COPY of the foregoing mailed
7 this 20th day of Aug, 2008 to:

8 Dan Cavett
9 Cavett & Fulton
10 6035 East Grant Road
11 Tucson, AZ 85712-2317

12 EXECUTED COPY of the foregoing mailed
13 this 20th day of Aug, 2008 to:

14 Laurence M. Susini, M.D.
15 Address of Record

16 Miss Bump
17 Investigational Review
18
19
20
21
22
23
24
25